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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 **IN RE: CATHODE RAY TUBE (CRT)**  
15 **ANTITRUST LITIGATION,**

Master File No. 3:07-cv-05944-SC

MDL No. 1917

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19 **This Document Relates To:**  
20 **ALL ACTIONS**  
21  
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**DECLARATION OF EMILIO E.  
VARANINI IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION FOR ORDER TRANSFERRING  
THE HAGUE EVIDENCE CONVENTION  
PROCESS CONCERNING LEO MINK'S  
DEPOSITION TO THE CALIFORNIA  
SUPERIOR COURT OR IN THE  
ALTERNATIVE, EXTENDING THE  
TIME FOR COMPLETION BY THE  
DUTCH COURT IN THIS FORUM**

1 I, EMILIO E. VARANINI, declare as follows:

2 1. I am a Deputy Attorney General with the California Attorney General's Office and  
3 am lead counsel for the California Attorney General in the state court case of *State of California*  
4 *et. al. v. Samsung SDI, Co., Ltd.*, Case No. 11-51584 (California Superior Court, San Francisco).  
5 This case has been coordinated with this Court's MDL No. 1917 for purposes of fact and expert  
6 discovery as well as mediation and settlement. I am admitted to this Court and could, if called as  
7 a witness, testify competently to the matters set forth herein. I make this declaration under  
8 penalty of perjury under the laws of the United States and the State of California.

9 2. Besides this case, I have led other international price-fixing and unfair competition  
10 cases involving the State of California. I also have an extensive background on international  
11 antitrust and related issues involving the European Union and China. I have also been appointed  
12 to the position of American Bar Association, Section of Antitrust Law, Member, International  
13 Task Force.

14 3. The present administrative motion is related to the previously filed administrative  
15 motions and orders concerning the deposition of Mr. Leo Mink (*see* Docket Nos. 2780 and 2877).  
16 By and through the present administrative motion, the Attorney General of the State of California  
17 on behalf of the State of California Plaintiffs respectfully moves this Court for an order  
18 transferring the process concerning Mr. Leo Mink's deposition pursuant to the Hague Convention  
19 on the Taking of Evidence in Civil and Commercial Matters ("Hague Evidence Convention") to  
20 the San Francisco Superior Court. The Attorney General is litigating her antitrust case in that  
21 court and has a trial date set of July 2016. In the alternative, should the Court decide it will be  
22 continuing the MDL trial, then the Attorney General would request a corresponding extension of  
23 time. Mr. Mink is a Dutch national residing in the Netherlands, and a former employee of a non-  
24 defendant subsidiary of Koninklijke Philips N.V. ("KPNV"). The Philips defendants in this  
25 action, KPNV and Phillips Electronics North America Corporation, do not object to this request.

26 4. Since receiving this Court's September 12, 2014 Order granting the Plaintiffs'  
27 previous motion for time extension, Docket No. 2877, the Attorney General and her staff have  
28 contacted the Court of Oost-Brabant several times concerning the required next steps in this

1 permitted process. The Court of Oost-Brabant has not yet appointed a new Commissioner, but  
2 that court also has not declined to conduct the examination itself and is considering next steps  
3 insofar as the Attorney General is aware. Therefore, the Attorney General has reasons to believe  
4 that additional time is needed for comity to continue to take its course

5         5. The Attorney General understands that the trial of the federal cases is quickly  
6 approaching and that further treatment of this Hague Evidence Convention process by this Court  
7 may not be convenient. While the Attorney General understands that her law enforcement action  
8 is not governed by the multidistrict litigation statute, 28 U.S.C. § 1407, her suit came to this Court  
9 under similar auspices because the San Francisco Superior Court determined that coordination of  
10 the Attorney General's suit and the federal cases would be helpful. Accordingly, the Attorney  
11 General respectfully requests that Mr. Mink's Hague Evidence Convention process, which was  
12 initiated by the Attorney General, be transferred to the San Francisco Superior Court, where the  
13 Attorney General's suit resides, or in the alternative, if the trial of the federal cases will be  
14 continued and the Court retains the process, then this Court should grant additional time in the  
15 MDL for the Court of Oost-Brabant to effectuate this process. The Attorney General respectfully  
16 submits that just as this Court has remanded the cases filed outside of the Northern District back  
17 to the courts from which they were transferred the Attorney General's Hague Evidence  
18 Convention process can and should be similarly remanded.

19         6. Because the trial of the Attorney General's law enforcement suit will not occur  
20 until July 2016, the requested transfer would not be disruptive to the state or federal schedules in  
21 this case nor otherwise work an injustice as to any party in the state or federal cases in preparing  
22 for dispositive motions or for trial. Rather, the requested transfer will ensure that Mr. Mink's  
23 examination would be completed before the trial of the Attorney General's suit commences in the  
24 Superior Court next year. In the meantime, the Attorney General submits that no motion or other  
25 event need be stayed pending Mr. Mink's examination. Moreover, even if the trial of the  
26 Attorney General's suit were to proceed, it likely would involve only on the Samsung SDI  
27 Defendants. Other than the Samsung SDI Defendants, and the Irico Defendants on whom the  
28 Attorney General ultimately will seek a default judgment, the Attorney General has reached a

1 settlement-in-principle (or agreement) with every other defendant in her suit.

2         7. The Attorney General has reasons to believe that the formal withdrawal of the  
3 pending Hague Evidence Convention process, and the required re-starting of this process from  
4 scratch in the state court with all of the confusion that would be engendered would not only  
5 frustrate settlement benefits she obtained from the Settling Defendants, including Philips and  
6 Chunghwa, but also would prevent her from acquiring information important to her law  
7 enforcement case. In fact, in defending her settlement with the Philips Defendants, the Attorney  
8 General publicly acknowledged the value of their cooperation in her ongoing investigation and  
9 prosecution of the remaining defendants, leading her to pursue Mr. Mink's testimony abroad.  
10 The Attorney General believes that the Provisional Decision that the European Commission made  
11 available to the Attorney General on December 23, 2014 (and later published on January 5, 2015)  
12 confirms the importance of testimony offered by Philips's current and former employees. *See*  
13 *CASE AT.39437—TV and computer monitor tubes*, Comm'n Decision (December 5, 2014),  
14 available at [http://ec.europa.eu/competition/antitrust/cases/dec\\_docs/39437/39437\\_6784\\_3.pdf](http://ec.europa.eu/competition/antitrust/cases/dec_docs/39437/39437_6784_3.pdf).  
15 Thus, a portion the Attorney General examination of Mr. Mink will focus on the European  
16 Commission's Rulings and concerning the Glass Meetings in Europe for both Color Picture  
17 Tubes in televisions (CPTs) and Color Display Tubes in computers (CDTs) and any links those  
18 meetings may have with the worldwide market for CPTs and CDTs. *See id.* Thus, the Attorney  
19 General respectfully submits that the cooperation she obtained from Philips, and the publication  
20 of this decision from the European Commission, underscore the need to let comity take its course  
21 in the pursuit of the CRT makers who have been fined for antitrust violations worldwide,  
22 including those remaining defendants in the Attorney General's suit.

23         8. Indeed, in coordinating the Attorney General's law enforcement action with the  
24 federal cases, the Superior Court did specifically contemplate the return of issues unique to the  
25 law enforcement action and consistent with this plan, the Superior Court recently issued an order  
26 affirming the Attorney General's right to continue conducting discovery to corroborate proffered  
27 information obtained pursuant to various cooperation provisions in various settlements with  
28 various Settled Defendants such as Philips and Chunghwa. The remaining defendants in the

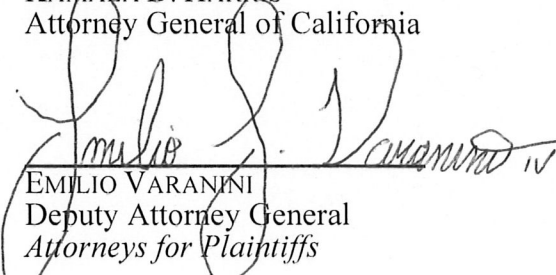
1 Attorney General's law enforcement case, including the Samsung SDI Defendants, are aware of  
2 this order.

3 I declare under penalty of perjury under the laws of the United States and of the State of  
4 California that the foregoing is true and correct and that this declaration was executed on January  
5 28, 2015 in San Francisco, California.

6 Dated: January 29, 2015

Respectfully submitted,

7 KAMALA D. HARRIS  
8 Attorney General of California

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11 EMILIO VARANINI  
12 Deputy Attorney General  
13 *Attorneys for Plaintiffs*

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